

**INFORMATION & HISTORY FOR HB 1251
HOUSE EDUCATION COMMITTEE**

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North Dakota Department of Public Instruction

Chairman Heinert and Members of the Committee:

My name is Adam Tescher, and I am the School Finance Director with the North Dakota Department of Public Instruction (NDDPI). I have been asked to provide information on the history of school districts and superintendents in North Dakota.

The number of school districts in North Dakota has decreased by 96% since peaking in 1918, with 4,700 schools served by 53 superintendents to 168 operating districts, with 468 schools served by 144 superintendents. North Dakota student enrollment reached a high point in 1923, with 170,000 students attending public schools compared to today's 115,000. These numbers represent a governance transition from a system of 53 elected county superintendents working with numerous boards and schools. (State Historical Society, *Unit 7: Set 4: Rural & Town Schools*; history.nd.gov)

County superintendents are still required by law in NDCC 15.1-11 County Superintendent of Schools and NDCC 11-10-10.5

The employment qualifications of the county superintendent are:

15.1-11-01. County superintendent of schools - Employment - Qualifications.

1. Except as provided in section 15.1-11-02, each board of county commissioners shall employ a county superintendent of schools on a full-time or a part-time basis.

An individual hired under this section:

a. Must hold a baccalaureate degree from a regional or nationally accredited institution of higher education approved for teacher education.

b. Must hold a valid North Dakota professional teaching license.

c. Must have experience teaching at an approved elementary, middle, or secondary school.

d. Must be approved by a majority of the school board presidents representing school districts having their administrative headquarters in the county.

e. Serves until the individual resigns or is discharged by the board of county commissioners at the direction of a majority of the school board presidents referenced in subdivision d.

2. The presidents of the school boards referenced in subsection 1 shall perform the duties of school boards with respect to the evaluation, renewal, and discharge of an individual hired under this section.

The duties of the county superintendent are:

15.1-11-04. County superintendent of schools - Duties.

A county superintendent of schools shall:

1. Serve as the superintendent of all schools in a county except those schools in districts that employ a district superintendent of schools.
2. Receive copies of and review, in a timely manner, all reports submitted to the superintendent of public instruction by school districts having their administrative headquarters in the county.
3. Compile reports containing statistics and any other information requested by the superintendent of public instruction and forward the reports at the time and in the manner directed by the superintendent of public instruction.
4. If requested by a school district, assist in planning, coordinating, and providing education and related services.
5. Promote coordination and cooperation among the school districts and the multidistrict special education units within the county.
6. Assist school districts in taking advantage of incentive programs administered by the superintendent of public instruction.
7. As secretary of the county committee:
 - a. Provide to the public information regarding the annexation of property to another school district;

b. Provide to the public all forms necessary for the annexation of property to another school district;

c. Compile information regarding school district annexations and dissolutions and provide such information to the appropriate county committees, at the time and in the manner directed by the state board of public school education; and

d. Compile information regarding school district annexations, reorganizations, and dissolutions, and provide such information to the state board of public school education, at the time and in the manner directed by the state board. 8. Perform any other duties required by law

NDDPI was also asked to provide the answers to these questions:

- 1.) Do other states require that a school district share administrative leaders if they meet certain criteria?
- 2.) Do any states require their LEAs to have a minimum student enrollment to exist?
- 3.) What states have a system of county-wide school systems?

The Department contacted several sources to gather answers to these questions, including the Education Commission of the States (ECS), the National Governor's Association (NGA) and the Council for State Governments (CSG).

MULTI-DISTRICT SUPERINTENDENTS

Based on a review of state statutes and regulations, the only state we found that required shared administration for small school districts was **Oklahoma**, and the 1997 law has since been amended.

- 1997 statute put in place a requirement that districts with fewer than 2,000 students enter into an agreement with a contiguous district to share a superintendent. If districts were unable to come to an agreement, the state board of education would intervene to choose the contiguous district, write the agreement, and even select the superintendent if districts could not agree.

We found that most states **allow** districts to share administrators.

- Historically **Vermont's** most common governance model shares superintendents. On average, each superintendent serves approximately six school boards and approximately 1,000 students. The most a superintendent serves are 12 districts and boards. Act 46 of 2015 outlined an involuntary merger process for the state board if locals could not come up with a plan.
- A 2007 law in **Maine** mandated school consolidation but has since been amended to create regional administrative units and “unions of towns.” These are a combination of two or more school administrative units joined together for the purpose of sharing the costs of a superintendent and the superintendent's office. Each member school administrative unit maintains its own budget, has its own school board, and operates in every way as a separate unit except for the sharing of superintendent services.
- **Minnesota** statute specifies some of the duties that the shared superintendent must perform for each district.
- **Montana** statute states school systems with 14 or fewer FTE licensed staff may use a supervising teacher and the services of the office of the county superintendent to satisfy administrator requirements.

Some states provide a financial incentive for districts that decide to share administration:

- **Illinois** provides incentives for districts that reorganize.
- **Iowa** shares the superintendent's salary cost with the districts and provides additional incentive money to each district. A supplemental weighting of eight FTE for districts that share a superintendent. The state policy also outlines several other incentives for service sharing between districts, including human resource management, counselors and curriculum directors, and transportation management.
- **South Carolina** initiated a "big school" funding formula change and created a fund to distribute among school districts that move to a shared administration model.
- **Ohio** allows the state superintendent the "takeover" option of administration by another school district with a demonstrated record of effectiveness as a more rigorous intervention of a poor-performing school district in their state accountability system.

MANDATED SCHOOL DISTRICT ENROLLMENT

As of 2018, nine states were identified as having laws granting authority to mandate consolidation in cases of financial distress, low enrollment, or academic failure.

- **Arkansas** permits the state board of education to mandate a school district merger if the student count falls below 350 for two consecutive years, or in the case of fiscal distress or academic failure. Districts may also voluntarily merge upon approval from the state board of education. Consolidation may be initiated by school boards or a majority of voters in the affected districts. The state also provides financial incentives for merging districts based on a funding factor determined by the state education agency.
- **Minnesota** consolidation policies resemble other states in that a local school board or a resident-initiated petition may start the process. The state provides financial incentives for consolidating districts, in the form of a \$200 per pupil payment in the year of the consolidation and a further \$100 per pupil payment in the following year, to defray the transitional costs incurred and enhance learning opportunities.
- **North Carolina** permits the state board of education to merge neighboring county school districts for any reason. The General Assembly is permitted to override their decision to merge districts.

- **South Dakota** statute requires districts with a Fall enrollment below 100 students to consolidate with a neighboring district. This requirement does not apply to districts that are classified as sparse, or those in shared service agreements with other districts. Currently, South Dakota has two districts designated as sparse with an enrollment below 100.
- **Wyoming** requires districts who do not maintain a school for at least six months to submit a plan to the state board to combine with an adjoining district. A consolidation policy was enacted several decades ago and Wyoming currently has 94,000 students enrolled in 48 districts.

COUNTY-WIDE SCHOOL DISTRICTS

An analysis identified seven states that have county-wide school districts:

- **Florida**
- **Georgia**
- **Louisiana (by parish)**
- **Maryland**
- **Nevada**
- **North Carolina**
- **Virginia**
- **West Virginia**

- Other states use counties for **some** but not all district boundaries.

The following examples highlight how state policy organizes districts in states that rely on counties for district boundaries.

Florida's state constitution establishes local school districts at the county level. As such, the state has 67 counties and 67 public school districts.

Nevada statute established county boundaries as school district boundaries in 1956. Carson City is the only exception, but it is treated like a county school district in policy. Nevada currently has 17 school districts, including Clark County, which is one of the largest in the country.

NORTH DAKOTA STATUS

- North Dakota century code **allows** local school districts to share superintendents and other personnel.
- County Superintendents, by ND law, exist in every county but not all of their duties are being performed.
- The State Board of Public-School Education is responsible for approving school reorganizations, consolidations, and dissolutions.
- NDCC 15.1-27-16 incentivizes administrative cost sharing among districts with the state covering up to 25% of the salary of the shared administrator.

- North Dakota has the second lowest average district enrollment compared with other states, second to Montana.
- North Dakota has 12 schools using a county superintendent.

04-001	Billings Co 1	95	Co Sup
08-025	Naughton 25	27	Co Sup
08-033	Menoken 33	58	Co Sup
08-035	Sterling 35	16	Co Sup
08-039	Apple Creek 39	88	Co Sup
08-045	Manning 45	21	Co Sup
15-010	Bakker 10	2	Co Sup
27-032	Horse Creek 32	12	Co Sup
28-050	Max 50	148	Co Sup
30-004	Little Heart 4	27	Co Sup
30-017	Sweet Briar 17	25	Co Sup
44-012	Marmarth 12	21	Co Sup

- To the best of our knowledge, six school districts share a superintendent other than the County Superintendent.
 - Linton Public Schools and Kidder County Schools
 - Anamoose Public Schools and Drake Public Schools
 - Flasher Public Schools and Roosevelt Public Schools (Carson)

12 school districts did not report.

Chairman Heinert, members of the committee, that concludes my report.